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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,141	07/15/2003	Diane C. Saccomandi	1367-P03250US00	8471

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER

THOMAS, ALEXANDER S

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,141

Applicant(s)

SACCOMANDI, DIANE C.

Examiner

Alexander Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 5, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

1. In view of the response filed on September 26, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below: 

Claim Rejections - 35 USC § 112

2. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase "to the connected end near the fabric

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cover" is new matter. The figures do not show such a structure because the end of the extension is not connected near the edge of the fabric.

3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 it is not clear whether the claim is directed to a covering per se or to the combination of a covering and a tabletop. The preamble of the claim "A decorative table covering" and the phrase "when placed on such a table top" imply that a covering per se is being claimed while phrases such as "to the edge of the table top" (line 7) imply that a combination including the tabletop is being claimed. Similarly claims 2, 3 and 5 contain phrases that imply that a combination is being claimed; see "cover which is placed ... table top" (claim 2), "to expose the table top or cover thereon" (claim 3) and "which enables the table top ... to be seen" (claim 5). The claims need to be written so that it is clear whether a covering per se is being claimed or the combination of a covering and tabletop is claimed. For purposes of examination, Claim 1 is interpreted to be directed to a covering per se in view of the phrase "A decorative table covering".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 2, 6-9, 11, 12, 17 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodenbaugh et al. See Figures 2, 3 and 18, column 5, lines 52-66 and column 7, line 4. The reference discloses a table covering comprising loop extensions extending from the periphery of the covering and a tie that is fed through the loops. The phrases "in a decorative way" (claim 1) and "decorative design" (claim 3) do not add any structural features to the claimed article. Concerning claims 19-24, these claims do not add any positive structural features to the claimed article since the table top is not a part of the claimed covering.

6. Claims 1-4, 13, 17 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaub et al. See Figure 7 and column 2, lines 21-44. The reference discloses a table covering comprising loop extensions extending from the periphery of the covering and a tie that is fed through the loops. The phrases "in a decorative way" (claim 1) and "decorative design" (claim 3) do not add any structural features to the claimed article. Concerning claims 19-24, these claims do not add any positive structural features to the claimed article since the table top is not a part of the claimed covering.

7. Claims 1, 2, 6, 9, 12-14, 17 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonnett. See the Figures and column 4, lines 19-28. The reference discloses a table covering comprising loop extensions extending from the periphery of the covering and a tie that is fed through the loops. The phrase "in a decorative way" (claim 1) does not add any structural features to the claimed article.

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Concerning claims 19-24, these claims do not add any positive structural features to the claimed article since the table top is not a part of the claimed covering.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over each of Schaub et al or Bonnett. The references each show a table covering comprising loop extensions with a tie extending through the loops. It would have been obvious to one of ordinary skill in the art to have the ties a different color than the cover fabric in order to produce a decorative effect. Regarding claim 18, the phrase "individually decorated" does not provide any additional structural features to the claimed covering. In any event, it would have been obvious to one of ordinary skill in the art to color or decorate the loop extensions in any manner to provide a desired decorative effect.

Allowable Subject Matter

10. Claims 5, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ALEXANDER S. THOMAS
PRIMARY EXAMINER